

Notice of Allowability

Application No.

10/736,159

Examiner

Kamran Afshar, 571-272-7796

Applicant(s)

STEPHENS, ADRIAN P.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/5/2005.
2. ☒ The allowed claim(s) is/are 1,3,7,8,12,13,17,21,22,27,28 and 31.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>5/16/2005</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Mark Muller, Reg. No.: on 12/5/2005.

The application has been amended as follows:

In The Claims:

1. (Amended) A wireless communication method, comprising:
receiving a request associated with a specification defining a traffic stream quality of service at a first access point to locate a second access point ~~capable of~~ to support the specification;
receiving a list of candidate access points including the second access point at the first access point;
determining, by the first access point, that the second access point will support the specification,
wherein the specification includes a traffic specification selected in accordance with an Institute of Electrical and Electronics Engineers (IEEE) 802.11 standard; and communicating the request to the second access point.

2. (Cancelled)

3. (Original) The method of claim 1, wherein the specification includes at least one of a network type, a network capability, a network activity level, an access point capability, a signal strength, a bandwidth, a signal-to-noise ratio, a signal-to-interference ratio, a multipath condition, a service provider, a monetary cost, user-preferred information, a user-preferred service, a nominal packet size, a maximum packet size, a minimum service interval, a maximum service interval, a minimum data rate, a mean data rate, a maximum burst size, a minimum physical-layer rate, a peak data rate, a delay bound, a surplus bandwidth allowance, an acknowledgement policy, and a user priority.

4. (Canceled)

5. (Cancelled)

6. (Cancelled)

7. (Original) The method of claim 1, further comprising:
constructing a list of candidate access points including the second access point.
8. (Amended) An article for use in wireless communication comprising a machine-accessible medium having associated data, wherein the data, when accessed, results in a machine performing:
receiving a request associated with a specification defining a traffic stream quality of service at a first access point to locate a second access point ~~capable of supporting~~ to support the specification;
constructing a list of candidate access points including the second access point;
determining, by the second access point, that the ~~first~~ second access point will support the specification, wherein the specification includes a traffic specification selected in accordance with an Institute of Electrical and Electronics Engineers (IEEE) 802.11 standard; and
communicating the request to the second access point.
9. (Cancelled)
10. (Cancelled)
11. (Cancelled)
12. (Amended) The article of claim 8, wherein the data, when accessed, results in the machine performing:
sending a list of access points ~~capable of~~ to support the specification, including the second access point, to a device from which the request was received.
13. (Amended) An wireless communication apparatus within a first access point, comprising:
a ~~receiver~~ transceiver to receive a request, the request being associated with a specification defining a traffic stream quality of service, at the first access point to locate a second access point ~~capable of supporting to support~~ the specification, and to communicate the request to the second access point;
a memory coupled to the transceiver to store a list of candidate access points including the second access point; and
a determination module to determine a capability of a candidate access point to support the specification, wherein the specification includes a traffic specification selected in accordance with an Institute of Electrical and Electronics Engineers (IEEE) 802.11 standard.

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14. (Cancelled)

15. (Cancelled)

16. (Cancelled)

17. (Amended) A wireless communication system, comprising:

a first transceiver receiver included in a first access point to receive a request associated with a specification defining a traffic stream quality of service from a client unit, wherein the first access point is to locate a second access point ~~capable of supporting~~ to support the specification;

and

a second transceiver receiver included in the second access point to receive the request associated with the specification, wherein the second access point is to determine support of the specification,

wherein the specification includes a traffic specification selected in accordance with an Institute of Electrical and Electronics Engineers (IEEE) 802.11 standard.

18. (Cancelled)

19. (Cancelled)

20. (Cancelled)

21. (Amended) The system of claim 17, further comprising:

a the client unit to generate the request.

22. (Amended) A wireless communication method, comprising:

determining a second access point ~~capable of supporting~~ to support a specification defining a traffic stream quality of service by one of a self-determination request sent from a user wireless device ~~capable of~~ communicating with a first access point to the first ~~second~~ access point, or

~~and~~ an access point determination request sent to the first access point comprising

constructing a list of candidate access points including the second access point, wherein the access point determination request includes a the list of candidate access points including the second access point, and wherein the specification includes a traffic specification selected in accordance with an Institute of Electrical and Electronics Engineers (IEEE) 802.11 standard.

23. (Cancelled)

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24. (Cancelled)

25. (Cancelled)

26. (Cancelled)

27. (Amended) The method of claim 22, further comprising:

handing off a communication between the first access point and the device to the second access point upon receiving an indication that the second access point is ~~capable of~~ to supporting the specification.

28. (Amended) An user wireless communication apparatus, comprising:

a transmitter to send a request associated with a specification ~~at a first access point~~ defining a traffic stream quality of service to a first access point to locate a second access point ~~capable of~~ to supporting the specification;

a memory coupled to the transmitter to store a list of candidate access points including the second access point; and

a determination module to determine a capability of a candidate access point to support the specification comprising a traffic specification selected in accordance with an Institute of Electrical and Electronics Engineers (IEEE) 802.11 standard.

29. (Cancelled)

30. (Cancelled)

31. (Amended) A wireless communication method, comprising:

receiving a request, at a first access point, associated with a traffic specification defining a traffic stream quality of service and selected in accordance with an Institute of Electrical and Electronics Engineers (IEEE) 802.11 standard and a list of candidate access points including a second access point ~~capable of~~ to supporting the traffic specification at a ~~first access point~~;

sending the request to at least one of the candidate access points including the second access point;

determining, by the second access point, that the second access point will support the specification; and

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handing off a communication between the first access point and a the device to the second access point upon receiving an indication that the second access point is capable of to supporting the specification.

32. (Cancelled)

33. (Cancelled)

Allowable Subject Matter

2. Claims 1, 3, 7-8, 12-13, 17, 21-22, 27-28 and 31 are allowed.

The following is an examiner's statement of reasons for allowance: 1, 3, 7-8, 12-13, 17, 21-22, 27-28 and 31.

With respect to claim 1, the prior art of record fails to disclose singly or in combination or render obvious that the method comprising: receiving a request associated with a specification defining a traffic stream quality of service at a first access point to locate a second access point to support the specification; receiving a list of candidate access points including the second access point at the first access point; determining, by the first access point, that the second access point will support the specification, wherein the specification includes a traffic specification selected in accordance with an Institute of Electrical and Electronics Engineers (IEEE) 802.11 standard; and communicating the request to the second access point.

With respect to claim 8, the prior art of record fails to disclose singly or in combination or render obvious that the machine performing: receiving a request associated with a specification defining a traffic stream quality of service at a first access point to locate a second access point to support the specification; constructing a list of candidate access points including the second access point; determining, by the second access point, that the first access point will support the specification, wherein the specification includes a traffic specification selected in accordance with an Institute of Electrical and Electronics Engineers (IEEE) 802.11 standard; and communicating the request to the second access point.

With respect to claim 13, the prior art of record fails to disclose singly or in combination or render obvious that a transceiver to receive a request, the request being associated with a specification defining a traffic stream quality of service, at the first access point to locate a second access point to support the specification, and to communicate the request to the second access point; a memory coupled to the transceiver to store a list of candidate access points including the second access point; and a determination module to determine a capability of a candidate access point to support the specification, wherein the specification includes a traffic specification selected in accordance with an Institute of Electrical and Electronics Engineers (IEEE) 802.11 standard.

With respect to claim 17, the prior art of record fails to disclose singly or in combination or render obvious that a first transceiver included in a first access point to receive a request associated with a specification defining a traffic stream quality of service from a client unit, wherein the first access point is to locate a second access point to support the specification; and a second transceiver included in the second access point to receive the request associated with the specification, wherein the second access point is to determine support of the specification, wherein the specification includes a traffic specification selected in accordance with an Institute of Electrical and Electronics Engineers (IEEE) 802.11 standard.

With respect to claim 22, the prior art of record fails to disclose singly or in combination or render obvious that method, comprising: determining a second access point to support a specification defining a traffic stream quality of service by one of a self-determination request sent from a user wireless device communicating with a first access point to the second access point, or an access point determination request sent to the first access point comprising constructing a list of candidate access points including the second access point, wherein the access point determination request includes the list of candidate access points, and wherein the specification includes a traffic specification selected in accordance with an Institute of Electrical and Electronics Engineers (IEEE) 802.11 standard.

With respect to claim 28 the prior art of record fails to disclose singly or in combination or render obvious that apparatus, comprising: a transmitter to send a request associated with a specification defining a traffic stream quality of service to a first access point to locate a second access point to supporting the specification; a memory coupled to the transmitter to store a list of candidate access points

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including the second access point; and a determination module to determine a capability of a candidate access point to support the specification comprising a traffic specification selected in accordance with an Institute of Electrical and Electronics Engineers (IEEE) 802.11 standard.

With respect to claim 31, the prior art of record fails to disclose singly or in combination or render obvious that the method, comprising: receiving a request, at a first access point, associated with a traffic specification defining a traffic stream quality of service and selected in accordance with an Institute of Electrical and Electronics Engineers (IEEE) 802.11 standard and a list of candidate access points including a second access point to supporting the traffic specification at; sending the request to at least one of the candidate access points including the second access point; determining, by the second access point, that the second access point will support the specification; and handing off a communication between the first access point and a the device to the second access point upon receiving an indication that the second access point is to supporting the specification.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a) Chuah (U.S. Pub. No.: 2005/0059396 A1).
- b) Khouaja (U.S. Pub. No.: 2005/0147062 A1).
- c) Cromer (U.S. Pub. No.: 2005/0135239 A1).
- d) Thompson (U.S. Pub. No.: 2004/0214572 A1).
- e) Uchida (U.S. Pub. No.: 2004/0203747 A1).

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kamran Afshar whose telephone number is (571) 272-7796. The examiner can be reached on Monday-Friday.

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If attempts to reach the examiner by the telephone are unsuccessful, the examiner's supervisor, **Feild, Joseph** can be reached @ (571) 272-4090. The fax number for the organization where this application or proceeding is assigned is **571-273-8300** for all communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kamran Afshar



JOSEPH FEILD
SUPERVISORY PATENT EXAMINER